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(NE)



Attorney Docket No. 10527US16

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

Martin et al.

SERIAL NO.: 09/863,722

FILED: May 23, 2001

FOR: IMPROVED COMPUTER JUKEBOX  
AND JUKEBOX NETWORK

EXAMINER: THOMAS A. DIXON

GROUP ART UNIT: 3629

EXPRESS MAIL NO.  
EL 849 000 538 US

**TERMINAL DISCLAIMER TO OBVIATE  
DOUBLE PATENTING ISSUE (37 C.F.R. 1.321(h))**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

**Interest of Entity Making This Disclaimer**

Arachnid, Inc. is the assignee of the entire interest in the above-identified application as  
well as U.S. Patent No. 6,397,189, dated May 28, 2002 (hereinafter the "189 Patent").

12/18/2002 JBALINAN 00000099 09863722

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55.00 OP

### **Disclaimer**

Arachnid, Inc. hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the '189 Patent, and hereby agrees that any patent granted on the above-identified application shall be enforceable only during such period that said patent is commonly owned with the '189 Patent, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee of its successors or assigns.

It is to be understood from the foregoing that Arachnid, Inc. does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration of the term of the '189 Patent, if the effective life of the '189 Patent is shortened by a subsequent event (such as, for example, failure to pay a maintenance fee, a court or Patent Office ruling, or a disclaimer by the patentee).

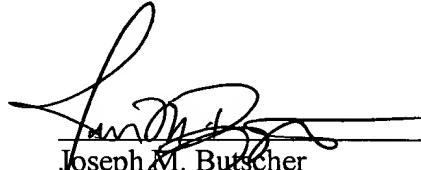
### **Fee Status (37 C.F.R. 1.20(d))**

A check including the \$55.00 fee is enclosed. The Commissioner is hereby authorized to charge any additional fees or credit overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

**Evidentiary Statement**

The evidentiary documents accompanying or referred to in the Terminal Disclaimer have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title is in the assignee, Arachnid, Inc., seeking to take action.

Respectfully submitted,

  
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Joseph M. Butscher  
Reg. No. 48,326  
Attorney for Applicants and Arachnid, Inc.

Date: December 16, 2002

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